

On motion of Senator Woodward,  
The Senate adjourned till 10 o'clock  
to-morrow morning.

### THIRTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, January 22, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woodward,  
The reading of the Journal was dispensed with.

On motion of Senator Armistead,  
Senator Pope was excused from Saturday until to-day.

### PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition from the citizens of Carson county, praying that Hutchinson, Moore and Gray counties be attached thereto for judicial purposes.

Referred to Committee on Judicial Districts.

By Senator Stephens:

A memorial from the citizens of Donley county, requesting a joint committee to investigate the condition of the public free school lands of the State, and to recommend such changes in such law as they may deem expedient.

Referred to Committee on Public Lands.

By Senator Field:

Letters of W. J. Murchison and others relative to penitentiary management.

Referred to Committee on Penitentiaries.

A memorial from the Robertson County Farmers' Alliance, requesting the enactment of such laws as will prevent the formation of trusts, pools, etc.

Referred to Committee on Internal Improvements.

A petition from the Robertson County Farmers' Alliance, suggesting the appointment of a commission whose duty it shall be to meet and suggest such changes in existing laws as will improve and perfect the public free school system of the State.

Referred to Committee on Education.

Memorial of Robertson County Farmers' Alliance relative to public roads.

Referred to Committee on Roads and Bridges.

Memorial of Robertson County Farmers' Alliance, asking the appointment of a railroad commission.

Referred to Committee on Internal Improvements.

Memorial of Robertson County Farmers' Alliance, suggesting the establishment of a system of farmers' institutes.

Referred to Committee on Education.

The President gave notice of signing and did sign in open Senate the following bills:

Senate bill No. 15, a bill to be entitled "An act to amend an act approved March 29, 1887, entitled an act to amend an act entitled an act to re-district the State into judicial districts, and to provide for the election of judges and district attorneys of said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883."

Senate bill No. 45, a bill to be entitled "An act to amend an act entitled an act to fix the times for holding the district courts in the several counties comprising the Twenty-fifth judicial district of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 21, 1887."

### REPORTS OF STANDING COMMITTEES.

By Senator Burney:

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Education, to whom was referred

Senate bill No. 94, entitled "An act to legalize the donation of property to establish or assist in establishing professorships in the University of Texas or any of its branches, and to provide for the security and protection of their benefits in accomplishing the objects of their donors,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURNEY,  
Chairman.

Bill read first time.

By Senator Lane:

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Roads and Bridges, to whom was referred

Senate bill No. 66, entitled "An act to amend an act to amend article 4360 of title 87, chapter 1, providing for the establishment of public roads, and to prohibit commissioners' courts from altering or changing public roads, except for the purpose of shortening the distance from the point of beginning to the point of destination, and to repeal all laws in conflict with this act, approved February 5, 1884,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,  
Chairman.

Bill read first time.

By Senator McDonald:

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 21, entitled "An act to provide for the better assessment of personal or moveable property in the State of Texas, liable or subject to taxation under the laws of the State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[The bill seeks to compel owners and holders of personal property, subject to taxation, to make out and deliver to the tax assessor of their county an itemized inventory of all such property owned or held by them on the first day of January of each year.]

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 22, being "An act to amend an act entitled an act to amend chapter 2, title 96, of the Revised Civil Statutes, by adding thereto article 4676a, providing for the assessment of live stock in pastures in the several counties in which such pastures are situated," and find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, being "An act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas," and find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 102, being "An act to amend article 4434, title 87, chapter 5, of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

CRANFORD,  
Chairman.

By Senator Morris:

COMMITTEE ROOM,  
AUSTIN, January 15, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 35, entitled "An act to amend article No. 2342, chapter 1, title 40, of the Revised Civil Statutes of the State of Texas,"

Beg leave to differ in opinion with the majority of said committee, and we recommend that said bill do pass, the object of said bill being to exempt

from the law with reference to chattel mortgages certain personal property exempt by law from forced sale except under mortgage or landlord's lien."

Respectfully submitted,

MORRIS,  
SIMKINS,  
JOHNSON.

By Senator Burges:

COMMITTEE ROOM,  
AUSTIN, January 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Public Lands, to whom was referred

Senate joint resolution relative to the facts contained in memorial of John M. Swisher,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to a special committee of the Senate to act with a committee appointed by the House of Representatives for a like purpose.

All of which is respectfully submitted.

BURGES,  
Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Townsend:

A bill to be entitled "An act to define the liability of corporations in cases of personal injuries to employes."

[This bill provides that when an action for damages is brought against any corporation it shall be no defense to said action that the death or injury was caused by the negligence or carelessness of a co-employee or fellow-servant of the person injured; and agreement in contravention of this act shall be null and void.]

Referred to Judiciary Committee No. 2.

By Senator Allen:

A bill to be entitled "An act providing against the sale of unlawful weapons to minors, and fixing the penalty therefor."

[This bill provides that in case of conviction the punishment shall be not less than fifty nor more than two hundred dollars.

The bill contains an emergency clause.]

Referred to Judiciary Committee No. 2.

By Senator Douglas:

A bill to be entitled "An act for the relief of railway companies organized under the laws of this State, that have failed or may fail to construct, equip and put in good running order the required number of miles of their proposed roads within the time fixed by law, and to prevent a forfeiture of their corporate existence, rights and powers on account of such failure."

[This bill provides: 1. That all limitations as to the time within which any part of any railroad to be constructed, equipped and put in good running order are hereby suspended until January 1, 1891, and any railroad corporations which have been or may become forfeited under existing laws are restored and preserved to such company, and its corporate existence shall continue. 2. That this relief shall not extend to any railway company whose corporate existence has been forfeited for more than six months. 3. That this act take effect from and after its passage.]

Referred to Committee on Internal Improvements.

By Senator Stephens, by request:

A bill to be entitled "An act to amend article 2389, chapter 3, title 41, or the Revised Civil Statutes of the State of Texas, in relation to fees of clerks of the district court."

[This bill seeks to regulate the fees of district clerks.]

Referred to Judiciary Committee No. 1.

By Senator Stephens, by request:

A bill to be entitled "An act to amend article 1420b, chapter 20, title 29, of the Revised Civil Statutes of the State of Texas, in relation to fees of clerks of the district court, county clerks and justices of the peace in appeal cases."

[This bill provides that "The appellant in all such cases shall be required to pay all costs already incurred, including the cost of the transcript, before the officer is required to deliver the same."]

Referred to Judiciary Committee No. 1.

By Senator Woodward:

A bill to be entitled "An act to amend an act entitled an act to amend article 4367 of the Revised Statutes, approved March 31, 1885."

[This bill provides for the intersection of a road of one county with that of another.]

Referred to Committee on Roads and Bridges.

By Senator McDonald:

A bill to be entitled "An act for the relief of railway companies."

[This bill provides that all limitations as to the time within which any part of any railroad shall be constructed, contained in articles 605 and 4278 of the Revised Statutes, shall be suspended until January 1, 1891, and the period of time within which any part of any road shall be constructed or equipped shall begin from that date.]

Referred to Committee on Internal Improvements.

By Senator Claiborne:

A bill to be entitled "An act to relieve commercial travelers or drummers from the payment of any occupation tax."

Referred to Committee on Commerce and Manufactures.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has adopted a concurrent resolution providing for the appointment of a joint committee, to be composed of three members from the Senate and five members from the House, to investigate the facts contained in the memorial of John M. Swisher.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

#### CONCURRENT RESOLUTION.

1. *Be it Resolved by the Senate and House of Representatives, That a joint committee of three members from the Senate and five from the House be raised by the appointment of the presiding officers, to investigate the facts contained in the memorial of John M. Swisher herewith presented, and to recommend any relief they may deem right, just and lawful.*

2. *That the said memorial be referred to said committee when it has been raised.*

Adopted.

W. M. IMBODEN,  
Chief Clerk H. of R.

The resolution was laid before the Senate, and

On motion of Senator Claiborne,

The resolution was adopted and

The President appointed Senators Jarvis, Morris and Ingram on the part of the Senate.

The memorial was referred to said committee.

Senator Seale sent up the following privileged reports:

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 45, being "An act to amend an act entitled an act to fix the times for holding the district courts in the several counties comprising the Twenty-fifth judicial district of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 21, 1887,"

And find the same correctly enrolled, and have this day, at 10:25 o'clock a.m., presented the same to the Governor for his signature.

SEALE,  
Acting Chairman.

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 15, being "An act to amend an act approved March 29, 1882, entitled an act to amend an act entitled an act to redistrict the State into judicial districts and to provide for the election of judges and district attorneys of said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,"

And find the same correctly enrolled, and have this day, at 10:25 o'clock a.m., presented the same to the Governor for his signature.

SEALE,  
Acting Chairman.

Senate bill No. 9, a bill to be entitled "An act fixing a lien for owners of pastures or those in charge of pastures on such stock as are placed in their pastures by the respective owners or persons in charge of such stock to secure the payment of pasture fees or charges,"

Was laid before the Senate and read the second time with a favorable committee report.

Senator Stephens moved to amend by striking out the words "or persons in charge," in line 4.

Senator Lane offered the following substitute for the amendment:

Amend by striking out of line one the words "or those in charge" and insert "or lessees," and make same amendment in line four.

Accepted.

On motion of Senator Claiborne, The bill was laid on the table subject to call.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—The House of Representatives has passed the following bills:

Substitute House bill No. 15, "An act to be entitled an act to amend article 486 of the Revised Statutes of the State of Texas," and

House bill No. 162, "An act to amend an act to designate what counties shall compose the Twenty-ninth judicial district of the State of Texas and to fix the times of holding courts therein, approved March 30, 1887."

W. M. IMROBEN,  
Chief Clerk House of Representatives.

Senate bill No. 26, a bill to be entitled "An act to authorize counties to fund their indebtedness, and to provide means to pay the same,"

Was laid before the Senate and

Read the second time with two committee amendments.

The committee amendments were adopted.

[Senator Pope in the chair.]

Senator Claiborne moved to amend as follows:

After the word or in the thirteenth line, section 1, and before the word par, put in the word net.

Adopted.

[The President in the chair.]

Senator Stephens moved to amend by striking out the words "fifty cents," and insert "twenty-five cents," in line 16, section No. 1.

Adopted.

Senator Armistead moved to amend section 1, line 7, by striking out "five hundred" and inserting "one hundred."

Adopted.

On motion of Senator Tyler,

The bill was recommitted to Judiciary Committee No. 1.

Senate bill No. 29, a bill to be entitled "An act to appoint a commission, who shall report to each regular Legislature the necessary changes due to

State economy in the financial management of institutions under care of the State,"

Was laid before the Senate and

Read the second time with two committee amendments.

The committee amendments were adopted.

Senator Claiborne moved to amend by adding:

"Section —. The said companies shall begin ninety days before the assembling of the Legislature, and in fifty days thereafter shall put their report into the hands of the printer, and are charged that each member of the said Legislature shall have a copy of said report thirty days before the time of the meeting of the Legislature, and all other duty shall be performed in sixty days."

Adopted.

Senator Allen spoke in favor of the bill.

Senators Johnson and McDonald opposed the bill.

The Senate refused to engross the bill.

Senate bill No. 2, a bill to be entitled "An act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas,"

Was laid before the Senate and

Read the third time.

Senator Johnson offered the following resolution.

*Resolved*, That Senate bill No. 2 be reported back to Judiciary Committee No. 1 with instructions to the committee to report as a substitute therefor a bill authorizing the purchase from John and Henry Sayles of the corrected manuscript of Sayles' Civil Statutes of Texas, and Willson's Criminal Statutes of Texas (without the notes and references to the decisions contained therein), to include the acts and laws of the Twentieth Legislature, the same to be delivered to the State within ninety days after the adjournment of the present session of the Legislature, at a cost not to exceed seven thousand five hundred dollars. Or if the same shall be found to be more expedient a bill to authorize the Governor to subscribe for a sufficient number of said work, printed and ready for distribution, in lieu of the codification provided for in said bill.

Senator McDonald opposed the amendment and

Senator Field favor it.

Senator Johnson withdrew his reso-

lution and moved to make the bill the special order for Monday, after morning call.

Adopted.

Senator Pope offered the following resolution:

*Resolved*, That the Senate do now proceed to the election of a United States Senator to succeed Hon. Richard Coke, whose term of office expires on 4th of March, 1889.

Adopted.

The President announced that nominations for United States Senator were in order.

Senator Burges placed in nomination the name of Hon. Richard Coke, of McLennan county.

Senator Pope seconded the nomination.

Senator Tyler then moved that if there be no further nominations the Senate now proceed to ballot.

The motion was adopted, and the Senate proceeded to ballot with the following result:

The Senators voting for Hon. Richard Coke were:

Abercrombie,	Johnson,
Aller,	Kimbrough,
Armstrong,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Douglass,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

The President announced that

Hon. Richard Coke had received the unanimous vote of the Senate for the office of United States Senator for the term of six years, commencing March 4, 1889.

On motion of Senator Claiborne,

The Senate adjourned till 10 o'clock to-morrow morning.

#### FOURTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, January 23, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Armistead,

The reading of the Journal was dispensed with.

#### PETITIONS AND MEMORIALS.

By Senator Tyler:

Petition of the citizens of Temple, Bell county, for the passage of a law setting apart the 22d day of February in each year as "Arbor Day," to be devoted to the planting of trees throughout the State.

Referred to Committee on Agriculture.

#### REPORTS OF STANDING COMMITTEES.

By Senator Frank:

COMMITTEE ROOM,  
AUSTIN, January 23, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Penitentiaries, to whom was referred

Senate bill No. 43, entitled "An act to purchase State convict farms and improve the same and work convicts thereon, and to make an appropriation therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

This bill provides that the Penitentiary Board shall, as soon as practicable, purchase, subject to the approval of the Governor, not less than ten thousand acres of land in one or more tracts, well adapted to agricultural purposes, for a State convict farm, best adapted to the constant and profitable employment of such convict labor as cannot be profitably employed within the walls, such farms to be operated on State account, with all such available convict labor as is at the disposal of the Penitentiary Board, having in view the early employment on such farms all such convicts as cannot profitably be employed within the walls. The bill does not contemplate the interference with existing contracts made by the State with reference to convicts. Appropriates two hundred thousand dollars for the purchase and improvement of the land and stocking and operating the farms.

All of which is respectfully submitted.

FRANK,  
Chairman.